

MT LEGISLATIVE HISTORY

Chapter 101 1961

Bill H (S) 132

Original bill & hist. C

H. Committee on Highways

S. Committee on Highways

Hearing Date(s) Feb 12 ✓C

Hearing Date(s) Jan 26 ✓C

 C

Jan 27 ✓C

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Jan 31 ✓C

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Feb 04 ✓C

Date Out Feb 12 ✓C

Feb 04 ✓C

Did this bill originate in an interim committee? Yes No

Committee

Report

February 17

Committee met at 12:00 with a [unclear]
[unclear] presiding.

Mr. McConnell appeared in support of S.B. 108 and [unclear]
[unclear] appeared in opposition to the bill:

John Risken, Casualty Insurance Co.
Pat Hooks, National Independent Insurers
George Sarsfield, American Mutual Insurance Alliance
Walt Nillon, Underwriters' Association
Thomas Miller, Montana Association Insurance Agents

Mr. Alex Stephenson, Chief of the Highway Patrol was present
said he was non-partisan. The visitors were excused after
talking to the members of the committee.

Chief Alex Stephenson, Capt. Kerr and Capt. McKay of
the State Highway Patrol appeared in support of Senate Bills
79 and 132 which covered tightening of the laws on stop-
ping when meeting or passing school busses, carrying registra-
tion cards in trucks at all times and would allow more leni-
ency in fines for minor traffic violations which they felt
would aid their driver improvement program. After answering
questions of the members, they were then excused.

Rep. Reinecke moved that S.B. 132 be concurred in, seconded
by Rep. Hall and the motion carried.

Rep. Leuthold moved that S.B. 79 be concurred in, seconded
by Rep. Bentz and the motion carried.

Rep. Hall moved that S.B. 54 be concurred in, seconded
by Rep. Bentz and the motion carried.

Rep. [unclear] moved that consideration of S.B. [unclear]
be postponed to the next meeting. See [unclear]

e, your Committee on Highways having had under consideration Senate Bill No. 132

REPORT OF AN ACT ENTITLED: "AN ACT TO AMEND SECTION 33-1-10 OF THE CODES OF MONTANA, 1947, RELATING TO AUTHORITY TO SUSPEND OR REVOKE LICENSE; STRIKING THE WORD 'REVOKE' IN TITLE OF SECTION; AUTHORIZING BOARD TO SUSPEND LICENSE OF DRIVING PRIVILEGE OF PERSON WHO FALSIFIES APPLICATION FOR LICENSE; AUTHORIZING BOARD TO ISSUE PROBATIONARY LICENSE TO UNREARDED DRIVER AS IS SHOWN BY DRIVING RECORD; PROVIDING THAT BOARD SHALL DETERMINE RESTRICTIONS FOR SUCH PROBATIONARY LICENSE AND REQUIRING LICENSEE TO OBEY RESTRICTIONS; ESTABLISHING TERM OF PROBATION; REQUIRING LICENSEE TO SURRENDER ALL CURRENT LICENSES AND AUTHORIZING BOARD TO SUSPEND FOR REFUSAL OR NEGLIGENCE TO SURRENDER SUCH LICENSES; PROVIDING THAT ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREBY ARE HEREBY REPEALED."

Respectfully report as follows: That Senate Bill No. 132

January 26

Senate Committee on Highways and Transportation
Wednesday, January 26, 1961, in Room 407, with a quorum.
Chairman Bovey presided.

It was moved by Senator Harken and seconded by Senator Mahoney that Senate Bill 132 do not pass. Motion carried.

It was moved by Senator Mahoney and seconded by Senator Harken that the amendments to Senate Bill 182 be adopted, and that Senate Bill 182 do pass as amended. (For text of amendments, see committee report.) The motion carried, with Senator Stein dissenting.

It was moved by Senator Harken and seconded by Senator Mahoney that Senate Bill 82 do not pass. Motion carried.

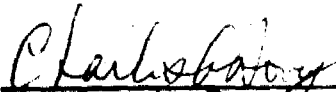
Senator A. Ronald MacDonnell, from Sweet Grass County, appeared as a proponent of Senate Bill 108.

It was moved by Senator Mahoney that the amendments to Senate Bill 108 be adopted and that the bill do pass, as amended. (For text of amendments, see committee report.) Motion carried. It was agreed that the committee report on this bill would be held until Senate Session 196 is considered by the committee.

Senator Harken moved that Senate Bill 184 do not pass. The motion was seconded by Senator Mahoney, and carried.

The chairman announced that the next meeting would be Saturday morning, January 28, 1961, at 8:30 a.m.

Upon motion of Senator Mahoney, the meeting adjourned at 9:00 a.m.


Charles A. Bovey, Chairman

January 26

RESIDENT:

We, your Committee on HIGHWAYS AND TRANSPORTATION

and had under consideration SENATE Bill No. 132
FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-147, R.C.
GIVING TO AUTHORITY OF BOARD TO SUSPEND OR REVOKE LICENSE; STRIKE
'REVOKE' FROM TITLE OF SECTION; AUTHORIZING BOARD TO SUSPEND DRIVING
PRIVILEGE OF PERSON WHO FALSIFIES APPLICATION FOR LICENSE;
AUTHORIZING BOARD TO ISSUE PROBATIONARY LICENSE TO UNSAFE DRIVER AS
LIVING RECORD; PROVIDING THAT BOARD SHALL DETERMINE RESTRICTIONS
PROBATIONARY LICENSE AND REQUIRING LICENSEE TO OBEY RESTRICTIONS
DURING TERM OF PROBATION; REQUIRING LICENSEE TO SURRENDER ALL C
LISES AND AUTHORIZING BOARD TO SUSPEND FOR REFUSAL OR NEGLECT TO S
LICENSES; PROVIDING THAT ALL ACTS OR PARTS OF ACTS IN CONFLICT H
HERBY REPEALED."

respectfully report as follows: That SENATE Bill No. 132

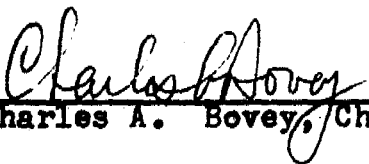
January 27.

The Senate Committee on Highways and Transportation met on Monday afternoon, January 27, 1961, at 1:00 p.m., in Room 100 with a quorum present. Chairman Bovey presided.

The chairman announced the Senate Bills 132 and 184 have been re-referred to the committee, and the purpose of the meeting was to reconsider them.

Captain Charles Kerr and Captain Bob McKay, of the Montana Highway Patrol, appeared as proponents of these two bills.

The meeting adjourned at 1:55 p.m.



Charles A. Bovey, Chairman

bs

January 31,

The Senate Committee on Highways and Transportation met at 9:30 a.m., Tuesday, January 31, 1961, in Room 407. Charles A. Bovey presided. A quorum was present.

Mr. Philip Strobe, attorney for the Montana Highway Commission, appeared before the committee to discuss House Bill 5 and its relation to House Bills 39, 133 and 136.

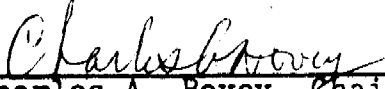
Senate Bill 132 was again discussed, with Captain McKay of the Montana Highway Patrol appearing. It was referred to a subcommittee composed of Senators Harken and Mahoney for redrafting.

Senate Bill 184 was also discussed again. Captain Stephen of the Montana Highway Patrol stated that the purpose of the bill (driver license compact) was twofold: (1) to get better cooperation among the states, and (2) to resist federal intervention in the field, as is threatened by the Beamer resolution, passed by Congress which goes into effect July 1, 1961. Captain McKay also appeared as a proponent of this bill.

The chairman appointed Senators Michels, McGowan and Mahoney to a subcommittee for action on Senate Bill 184.

Mr. Maurice Richey, traffic engineer for the Montana Highway Commission, appeared as a proponent of House Bill 49. No action was taken because amendments must be worked out.

The meeting adjourned at 10:00 a.m.


Charles A. Bovey, Chairman

February 4, .

Senate Committee on Highways and Transportation met
morning, February 4, 1961, at 9:00 a.m. in Room 407
Senator Michels presiding. A quorum was present.

Captain McKay of the Montana Highway Patrol appeared as a
ponent of Senate Bill 132.

Mr. Clyde Neu, president of the Montana County Commissioners
iation, appeared as a proponent of Senate Bill 153.

Also appearing as a proponent of Senate Bill 153 was Mr.
Massman, presenting the County Commissioners Association.

Anderson
A motion was made by Senator Harken and seconded by Senator
son that the amendments to Senate Bill 132 be adopted. (See
ttee report for text of amendments.) Motion carried.

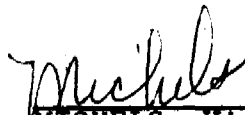
do pass
Senator Harken then moved that Senate Bill 132, as amended,
ss. The motion was seconded by Senator Mahoney, and carried.

A motion was made by Senator Mahoney and seconded by Senator
sky that Senate Bill 194 do not pass. Motion carried.

A motion was made by Senator Harken and seconded by Senator
ng that Senate Bill 161 do not pass. Motion carried.

Senate Bill 183 was discussed again, but no action was taken.

Upon motion of Senator Sagunsky, the meeting adjourned at
a.m.



MICHELS, Vice Chairman

February 4

PRESIDENT:

We, your Committee on..... **HIGHWAYS AND TRANSPORTATION**

having had under consideration..... **SENATE** Bill No. **132**

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-147, 1947, RELATING TO AUTHORITY OF BOARD TO SUSPEND OR REVOKE LICENSE STRIKING THE WORD 'REVOKE' FROM TITLE OF SECTION; AUTHORIZING TO SUSPEND LICENSE OR DRIVING PRIVILEGE OF PERSON WHO FALSIFICATION FOR LICENSE; AUTHORIZING BOARD TO ISSUE PROBATIONARY LICENSE FOR UNSAFE DRIVERS AS IS SHOWN BY DRIVING RECORD; PROVIDING THAT BOARD SHALL DETERMINE RESTRICTIONS FOR SUCH PROBATIONARY LICENSE AND REQUIRING LICENSEE TO OBEY RESTRICTIONS; ESTABLISHING TERM OF PROBATION REQUIRING LICENSEE TO SURRENDER ALL CURRENT LICENSES AND AUTHORIZING BOARD TO SUSPEND FOR REFUSAL OR NEGLECT TO SURRENDER SUCH LICENSE; PROVIDING THAT ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH ARE HEREBY REPEALED."

Respectfully report as follows: That..... **SENATE** Bill No. **132**

be amended as follows:

Amend in section 1, line 23, page 1, by adding after the word 'suspend' the following words: "license or driving privilege"

And further amend in section 1, line 18, page 2, by adding after the word "suspension" and before the comma the words "of license or driving privilege"

And, that Senate Bill No. 132, as amended,

CHAPTER 100

An Act to Amend Section 32-2197, Revised Codes of Montana, 1947, as Enacted by Section 94, Chapter 263, Laws of 1955, Relating to Requirement of Drivers to Stop for School Busses Receiving or Discharging School Children Outside of Business or Residence Districts; Requiring Drivers to Stop for School Busses Receiving or Discharging School Children Outside the Limits of a Corporate City or Town; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 32-2197, Revised Codes of Montana, 1947, as enacted by section 94, chapter 263, laws of 1955, be, and the same is hereby amended to read as follows:

Vehicles must stop for visual signal on school bus.

“32-2197. **Overtaking and passing school bus.** (a) The driver of a vehicle upon a highway outside *the corporate limits of any city or town* upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said bus a visual signal as specified in section 129 (32-21-132) and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed as the visual signals are no longer actuated.

School busses shall be marked and equipped with visual signals.

“(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words ‘SCHOOL BUS’ in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of section 129 (32-21-132) of this act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.

Other purposes.

“(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating ‘SCHOOL BUS’ shall be covered or concealed.

“(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.”

When vehicle need not stop.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 1, 1961.

CHAPTER 101

An Act to Amend Section 31-147, Revised Codes of Montana, 1947, Relating to Authority of Board to Suspend or Revoke License; Striking the Word ‘Revoke’ From Title of Section; Authorizing Board to Suspend License or Driving Privilege of Person Who Falsifies Application for License; Authorizing Board to Issue Probationary License to Unsafe Drivers as is Shown by Driving Record; Providing That Board Shall Determine Restrictions for Such Probationary License and Requiring Licensee to Obey Restrictions; Establishing Term of Probation; Requiring Licensee to Surrender All Current Licenses and Authorizing Board to Suspend for Refusal or Neglect to Surrender Such Licenses; Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 31-147, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“31-147. **Authority of board to suspend license or driving privilege or issue probationary license.** (a) The board is hereby authorized to suspend the license or driving privilege of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

Board authorized to suspend driver license without hearing—when.

“1. Has committed an offense for which mandatory revocation of license is required upon conviction;

"2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

"3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

"4. Is an habitually reckless or negligent driver of a motor vehicle;

"5. Is incompetent to drive a motor vehicle;

"6. Has permitted an unlawful or fraudulent use of such license;

"7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

"8. *Has falsified his date of birth on his application for a drivers license.*

Provided board
may issue
probationary
license.

"(b) *Provided, however, the board may, in its discretion, and in lieu of such suspension of license or driving privilege, issue a probationary license to an operator or chauffeur, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record is such as would authorize suspension as provided in subsection (a) hereof. Upon issuance of a probationary license the licensee shall be subject to the restrictions set forth thereon. The licensee's driving privilege may be suspended upon conviction, or forfeiture of bail, not vacated, of any traffic violation during the period of such probation. The licensee shall surrender to the board all driver licenses theretofore issued to him before such probationary license shall be issued. His refusal or neglect to surrender such licenses, upon demand, shall be ground for suspending all such licenses. Probationary licenses may be issued for a period not to exceed twelve (12) months.*

Notice and hearing
after suspension
or probation.

"(c) Upon suspending the license of any person or upon placing such person on probation, as hereinbefore in this section authorized, the board shall immediately notify the licensee in writing and upon his request shall afford

him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the board and the licensee agree that such hearing may be held in some other county. Upon such hearing the supervisor or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the board shall either rescind its order of suspension or probation, or, good cause appearing therefor, may affirm, reduce or extend the period of probation or suspension of such license."

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1961.

CHAPTER 102

An Act to Amend Section 84-1505 of Replacement Volume 5, of the Revised Codes of Montana, of 1947, Relating to the Assessment, Payment and Collection of the Montana Corporation License Tax by the Montana State Board of Equalization; Specifying the Time of Payment of Tax by Corporations on a Calendar Year Basis and Corporations on a Fiscal Year Basis; Providing for Penalties in Cases of Refusal or Neglect to Make Returns, and in Cases of Erroneous, False or Fraudulent Returns; Providing for Penalties for the Nonpayment of the Corporation License Fee; Providing for Refund; Providing for Levy Upon and Sale of Real and Personal Property for Nonpayment of Corporation License Income Tax; Providing That Actions May be Brought by the Attorney General of Montana at the Request of the Board of Equalization; Providing for an Effective Date of This Act; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 84-1505 of Replacement Volume 5, of the Revised Codes of Montana, of 1947, be, and the same is hereby amended to read as follows:

Amending clause.